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SUBJECT: UNODC Director Costa on UN Crime Conventions

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Summary

¶1. (SBU) INL Deputy Assistant Secretary Liz Verville and UNVIE Ambassador used an April 16 meeting with UNODC Executive Director Costa to underline U.S. interest in making the Commission on Crime Prevention and Criminal Justice (CCPCJ), and the respective Conferences of Parties to the UN Convention against Transnational Organized Crime (UNTOC) and the UN Convention against Corruption (UNCAC) more operational. Costa engaged in a frank exchange on ways to create synergies between the conventions and their conferences, to ensure progress towards establishing mechanisms to review implementation of the commitments enshrined in the UNTOC, particularly the Migrant Smuggling Protocol, and the UNCAC. UNODC staff also previewed its piracy initiative and the Central and Latin America initiative (the Santo Domingo Pact) to fight the flow of South American cocaine. End Summary.

¶2. (SBU) In his April 16 opening statement before the CCPCJ, Costa criticized the UNTOC protocol against migrant smuggling as "languishing." During the meeting with Costa, DAS Verville, who is leading USDEL to the current CCPCJ (April 16-24) highlighted the recently completed G-8 Lyon/Roma Anti-Crime and Terrorism Group project that cataloged the tens of millions of dollars of assistance being provided to over 150 countries by G-8 Member States to support implementation of the Protocol. Costa recognized his lack of awareness of these efforts. Despite the difficulty in negotiations, DAS Verville stressed that the Protocol was gaining increased attention. She indicated that in her capacity as Chair of the UNTOC Conference of Parties, she had convened a meeting of the Bureau on the margins of the CCPCJ in order to ensure that momentum continued from the 2008 COP (reftel), which had just completed convening its first working group on trafficking in persons and would convene working group meetings on the review of implementation and technical assistance in September 2009.

¶3. Costa praised the U.S. opening statement to the CCPCJ, which DAS Verville delivered, saying that it was not merely another national statement, but one steeped in knowledge of the issues and authoritative to expert and policy-maker alike. In particular, he said, the statement provided ideas for generating informational synergies between the CCPCJ and the Conferences of the Parties. For example, this year's CCPCJ (septel) will feature a thematic debate on economic fraud and identity-related crime. The outcome of this debate would be transmitted to the COP for in-depth discussion on utilizing UNTOC to combat this serious crime. (Note: The full text of the U.S. statement is at www.state.gov/p/inl End Note.)

¶4. (SBU) DAS Verville stressed the importance of developing effective review processes for UNCAC and UNTOC. Increased Vienna-based discussions, particularly among the "Friends" group, would facilitate the development of such processes. She pointed to the shortcomings of the 2nd UNCAC Conference of State Parties (COSP)

in Indonesia, identifying the lack of Bureau leadership as a major obstacle for parties to move forward on issues such as asset recovery. She said that the Government of Qatar, as the host of the 3rd Conference in November 2009, will need to invest considerable effort to avoid similar failures and UNODC in Vienna would have to ensure timely election of a strong Conference Bureau. Costa agreed, noting his concern that the "gang of four" (Egypt, Cuba, Iran and Pakistan) would continue to be obstructive. He emphasized that these countries remained "harder to control" when meetings were held outside of Vienna.

15. (SBU) Costa further indicated that the upcoming Global Forum against Corruption, also hosted by Qatar, would be the last. The end of this forum will allow the UNCAC COSP to become the primary vehicle to promote cooperation to combat corruption. DAS Verville explained that the Global Forum, started under former Vice President Gore, had been successful in raising awareness on corruption. However, since the UNCAC and its COSP came into existence, the Forum had unfortunately been used by some to undermine the legally-binding Convention. She agreed that the focus against corruption should be UNCAC's Conference of States Parties.

16. (SBU) Turning to the financial crisis at the UNDOC, Costa pointed to the USD three million shortfall in General Purpose Fund (GPF) contributions. (Note: RefTel reported that in January UNODC expected a USD 2.5 million shortfall in the GPF. The financial picture has since gotten worse, and UNODC is now estimating a USD 3.5 to USD 4.0 million shortfall in the GPF. End Note.) Despite the fact that UNODC's budget grew from USD 65 million in 2002 to over USD 265 million in 2008, UNODC did not receive a commensurate amount of General Purpose Funds required to sustain core staffing requirements. Of the current budget, only USD 12 million comes from General Purpose Funds contributions. Nevertheless, although only

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Summary

slightly over 1 pct of the total budget, the current projected shortfall will result in the laying off of 20-30 staff members. Costa compared the UNODC to a growing body-"It is growing so fast, but it missing its vitamins." Costa also highlighted the toll this crisis has on UNODC staff, pointing to an increasingly unsettled union and a falling morale throughout the secretariat.

17. (SBU) DAS Verville expressed appreciation for Costa's explanation of the financial crisis. She reiterated the U.S. commitment to maintain its 2008 level of GPF contributions at approximately USD 1 million and that the United States was looking to identify ways for "soft earmarking" some of its contributions, particularly those related to furthering implementation of the UNTOC and UNCAC.

18. (SBU) John Sandage, Chief of the Treaty and Legal Assistance Branch in UNODC's Division of Treaty Affairs (DTA), described contributions UNODC had received to combat piracy off the Somali coast. He said the Germans and French have contributed modest amounts of money for planned UNODC assistance to Kenya with regard to building criminal justice and prison capacity, as well as detaining and bringing to trial suspected pirates. However, without increased funding, he stressed, Kenya will soon be reaching its capacity limits. The European Commission is also in discussions with UNODC in regards to similar efforts, and Sandage hopes a contribution will be forthcoming soon.

19. (SBU) Director of the Division of Operations (DO) Francis Maertens briefly described the recent UNODC-hosted Ministerial meeting held in February in Santo Domingo, Dominican Republic. At this meeting, countries adopted the "Santo Domingo Pact". Similar to the Paris Pact Initiative to combat the flow of Afghan heroin, the Santo Domingo Pact will seek to bolster cooperation to combat South American cocaine. It will also contain a normative focus on implementing the UNTOC, UNCAC and the universal legal instruments against terrorism. Maertens indicated that a similar meeting for Central American countries is being organized from May 13-15 in Managua, Nicaragua. Maertens encouraged U.S. attendance.

¶10. (SBU) Wrapping up the meeting, DAS Verville asked about Costa's intentions to move ahead with bringing international organizations under the umbrella of UNCAC, particularly its provisions on bribery. Costa indicated that he has so far reached out only to members of the UN Board of Chief Executives, and has received few responses from international organizations. The IMF stated it was not willing to accept such an arrangement, while other UN agencies have been slow in responding. DAS Verville and Ambassador Schulte encouraged Costa to renew his efforts, and he expressed appreciation for their support. Costa asserted that SYG Ban is favorable towards this accountability initiative.

Comment

¶11. (SBU) Costa often denigrates the two crime conventions, describing them as slow moving and ineffective. His frank exchange with his U.S. interlocutors this time represents a level of respect, which he had not previously shown for the work of the UNCAC and UNTOC and the extensive preparation required for their Conferences of the Parties. He seemed genuinely impressed by G-8 efforts to advance the Migrant Smuggling Protocol. At the same time, recognizing the importance the U.S. attaches to the two Conventions, he was obviously eager to work with us to ensure successful outcomes of the respective Conferences. END Comment.

This cable has been cleared by DAS Verville.

Pyatt